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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/591,361

09/01/2006

David Lowell McNeely

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EXAMINER

ZIA, SYED

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/591,361	<b>Applicant(s)</b> MCNEELY, DAVID LOWELL	
	<b>Examiner</b> SYED ZIA	<b>Art Unit</b> 2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

This office action is in response to application filed on September 01, 2006. Claims 8-26 are pending.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 8-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Marker, Jr. (U. S. Patent 4,802,220).

2. Regarding Claim 8 Marker teaches and describes a method for communicating a program signal, comprising the steps of: encrypting the program signal using encryption information to produce an encrypted program signal; dividing the encryption information into a plurality of encryption information portions; communicating the encrypted program signal via a first communications channel; and communicating the plurality of encryption information

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portions via a second communications channel that is independent of the first communications channel (col1 line 59 to col.3 line 7, col.11 line 10 to col.12 line 42, and col.15 line 25 to col.16 line 19).

3. Regarding Claim 14 Marker teaches and describes a method of receiving and processing a program signal, comprising: simultaneously receiving data via a plurality of communications channels, including receiving an encrypted program signal via a first communications channel, and receiving a plurality of encryption information portions via a second communications channel that is independent of the first communications channel; assembling the plurality of encryption information portions to recover encryption information; and decrypting the encrypted program signal using the recovered encryption information to generate the program signal (col1 line 59 to col.3 line 7, col.11 line 10 to col.12 line 42, and col.15 line 25 to col.16 line 19).

4. Regarding Claim 19 Marker teaches and describes a method of receiving a television program signal via a satellite path, comprising: receiving a user command selecting a program associated with a first channel; simultaneously tuning to a plurality of channels to receive data via the plurality of channels, including receiving an encrypted program signal associated with the selected program via the first channel, and receiving a plurality of encryption information portions via a second channel that is independent of the first channel; assembling the plurality of encryption information portions to recover encryption information; decrypting the encrypted program signal using the recovered encryption information to generate a program signal;

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processing the program signal to generate a display signal (col.1 line 59 to col.3 line 7, col.11 line 10 to col.12 line 42, and col.15 line 25 to col.16 line 19).

5. Regarding Claim 22 Marker teaches and describes an apparatus, comprising: means for simultaneously receiving data from a plurality of communications channels; control means, coupled to the receiving means, for selecting channels received by the receiving means; processing means, coupled to the receiving means, for processing data received via the plurality of communications channels; user input means for receiving user commands including selection of a program associated with a first communications channel, wherein the control means causes the receiving means to receive program signals associated with the selected program via the first communications channel in response to a user command, and receive a plurality of encryption information portions via a second communications channel that is independent of the first communications channel, the processing means assembling the encryption information portions to generate encryption information and decrypting the program signal using the assembled encryption information (col. 1 line 59 to col.3 line 7, col.11 line 10 to col.12 line 42, and col.15 line 25 to col.16 line 19).

5. Claims 9-13, 15-18, 20-21, and 23-26 are rejected applied as above in rejecting claims 1, and 17. Furthermore, Marker teaches and describes a secure data multi channel transmission, wherein:

As per Claim 9, the step of communicating the plurality of encryption information

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portions comprises communicating the plurality of encryption information portions via a plurality of communications channels that are independent of the first communications channel (col.11 line 10 to col.12 line 42, and col.15 line 25 to col.16 line 19).

As per Claim 10, each of the plurality of encryption information portions is transmitted over a respective unique one of the plurality of communications channels that is independent of the first communications channels (col.11 line 10 to col.12 line 42, and col.15 line 25 to col.16 line 19).

As per Claim 11, the program signal is representative of a television program, and the encryption information corresponds to an entitlement control message col.11 line 10 to col.12 line 42, and col.15 line 25 to col.16 line 19)..

As per Claim 12, the plurality of communications channels comprise satellite data paths (col. 1 line 59 to col.3 line 7).

As per Claim 13, the program signal is representative of a television program, and the encryption information corresponds to an entitlement control message (col.11 line 10 to col.12 line 42, and col.15 line 25 to col.16 line 19).

As per Claim 15, the step of receiving the plurality of encryption information portions comprises receiving the plurality of encryption information portions via a plurality of communications channels that are independent of the first communications channel (col.11 line 10 to col.12 line 42, and col.15 line 25 to col.16 line 19).

As per Claim 16, each one of plurality of encryption information portions is received via a respective unique communications channel of the plurality of communications channels col.11 line 10 to col.12 line 42, and col.15 line 25 to col.16 line 19).

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As per Claim 17, the program signal corresponds to a television program signal and the encryption information comprises an entitlement control message col.11 line 10 to col.12 line 42, and col.15 line 25 to col.16 line 19)..

As per Claim 18, the program signal corresponds to a television program signal and the encryption information comprises an entitlement control message col.11 line 10 to col.12 line 42, and col.15 line 25 to col.16 line 19).

As per Claim 20, the step of receiving the plurality of encryption information portions comprises receiving the plurality of encryption information portions via a plurality of channels that are independent of the first channel (col.11 line 10 to col.12 line 42, and col.15 line 25 to col.16 line 19).

As per Claim 21, each one of plurality of encryption information portions is received via a respective unique channel of the plurality of channels (col.11 line 10 to col.12 line 42, and col.15 line 25 to col.16 line 19).

As per Claim 23, the receiving means receives the plurality of encryption information portions via a plurality of communications channels that are independent of the first communications channel (col.11 line 10 to col.12 line 42, and col.15 line 25 to col.16 line 19).

As per Claim 24, the receiving means receives each of the plurality of encryption information portions via a respective unique communications channels that is independent of the first communications channel (col.11 line 10 to col.12 line 42, and col.15 line 25 to col.16 line 19).

As per Claim 25, the program comprises a television program and the encryption information comprises an entitlement control message (col.11 line 10 to col.12 line 42, and

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col.15 line 25 to col.16 line 19).

As per Claim 26, the communications channels correspond to satellite transmission channels (col. 1 line 59 to col.3 line 7).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SYED ZIA whose telephone number is (571)272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SZ

June 16, 2009

/Syed Zia/

Primary Examiner, Art Unit 2431